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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,534	10/01/2003	Tomoichi Ebata	500.38331CX1	5370

24956 7590 06/20/2006

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EXAMINER	
BOUTAH, ALINA A	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,534	EBATA ET AL.	
	Examiner	Art Unit	
	Alina N. Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/20/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie in view of Haddock.

Regarding claim 2, McCloghrie teaches a network system comprising:

a plurality of networks (col. 1, lines 19-20) which are interconnected to each other, wherein each network comprises:

a plurality of hosts (figure 2: 222), and a policy server (figure 2: 216), wherein each policy server of each network sets a quality-guaranteed path in the network to which it belongs according to a policy held in the policy server (col. 17, lines 50-59),

wherein a policy server in a first one of said networks comprises:

a policy holding unit for holding a policy that can be guaranteed in said first network with regard to a communication performed by another network via said first network or a communication performed between another network and a host in said first network (abstract; col. 4, lines 34-63),

a unit for providing a quality-guaranteed path having a required quality on the basis of the policy held by said holding unit with regard to a communication performed by another network via said first network or a communication performed between another network and the host in said first network (col. 3, lines 40-60; col. 4, line 32 to col. 5, line 20).

However, McCloghrie fails to explicitly teach a policy sending unit for sending the policy held by it to the policy server of said another network, a unit for receiving a policy sent by the policy sending unit in the policy server of said another network, and a resource allocation arbitration control unit for calculating a guaranteed quality of a communication path from an end point in said first network to a border on a second network side of a connection path connected to said second network adjoining said first network based on the policy held by said policy holding unit and the policy thus received, wherein said resource allocation arbitration control unit updates said policy held by said policy holding unit based on the quality thus calculated, and wherein said policy sending unit sends the policy thus updated to the policy server in said second network.

Haddock teaches a policy sending unit for sending the policy held by it to the policy server of said another network, a unit for receiving a policy sent by the policy sending unit in the policy server of said another network (figure 1B), and a resource allocation arbitration control unit for calculating a guaranteed quality of a communication path from an end point in said first network to a border on a second network side of a connection path connected to said second network adjoining said first network based on the policy held by said policy holding unit and the policy thus received (col. 9, lines 43-57), wherein said resource allocation arbitration control unit updates said policy held by said policy holding unit based on the quality thus calculated, and

wherein said policy sending unit sends the policy thus updated to the policy server in said second network (figure 10, line 51 to col. 11, line 4). At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teaching of Haddock with the teaching of McCloghrie in order to perform bandwidth allocation based on policies, therefore facilitating bandwidth management and guaranteeing quality of service (Haddock: col. 2, lines 8-30).

Regarding claim 3, Haddock teaches the system of claim 2, wherein if the end point in said first network is a border of a third network adjoining said first network, said resource allocation arbitration control unit further calculates a guaranteed quality of a communication path from an end point in said third network to the border on said second network side of the connection path, based also on a policy received from said third network (col. 9, lines 43-57).

Regarding claim 4, Haddock teaches the system of claim 3, wherein said resource allocation arbitration control unit previously calculates qualities that can be guaranteed for possible paths between said first network and said other network, and wherein when receiving from the host of said first network a request for a quality-guaranteed path having a specified quality, said unit for providing a quality-guaranteed path provides a quality-guaranteed path which guarantees the specified quality and which has a quality calculated by said resource allocation arbitration control unit as being higher than the specified quality (figure 2).

Regarding claim 5, Haddock teaches the system of claim 3, wherein said resource allocation arbitration control unit previously calculates the guaranteed quality of each possible path between a host in said first network and a host in said other network, and wherein when receiving from the host of said first network a request for a quality-guaranteed path having a specified quality, said unit for providing a quality-guaranteed path provides a quality-guaranteed path which guarantees the specified quality and which has a quality calculated by said resource allocation arbitration control unit as being higher than the specified quality (abstract; col. 4, lines 34-63).

Regarding claim 6, the system of claim 5, wherein said unit for providing a quality-guaranteed path allocates to the quality-guaranteed path extending through said first network as much resource of said first network as is required by the quality-guaranteed for the quality-guaranteed path, wherein said policy sending unit requests the policy server of said another network, through which the quality-guaranteed path to be provided extends, to allocate to the quality-guaranteed path as much resource of said another network as is required by the quality guaranteed for the quality-guaranteed path, and wherein said unit for providing a quality-guaranteed path allocates the resource of said first network requested by the policy server of said another network to the quality-guaranteed path for which the resource allocation is requested (col. 1, lines 33-50; col. 4, lines 34-63).

Regarding claim 7, Haddock teaches the system of claim 5, wherein said unit for providing a quality-guaranteed path comprises:

a unit to make a reservation for allocating to the quality-guaranteed path extending through said first network as much resource of said another network as is required by the quality guaranteed for the quality-guaranteed path, a unit to request the policy server of said another network, through which the quality-guaranteed path to be provided extends, to make a reservation for allocating to the quality-guaranteed path as much resource of said other network as is required by the quality guaranteed for the quality-guaranteed path, a unit to make a reservation for allocating the resource of said another network to the quality-guaranteed path for which the resource allocation is requested, and a unit to allocate the resource of said another network according to the set reservation (col. 6, line 56 to col. 7, line 8).

Regarding claim 8, Haddock teaches the system of claim 6, wherein said unit for providing a quality-guaranteed path of said policy server manages a present resource allocation state, and performs the resource allocation when the resource allocation is allowed by the present resource allocation state managed by the resource management unit (table 1; col. 5, lines 50-57).

Claims 9-12 are similar to claim 1, therefore are rejected under the same rationale.

Claims 13-17 are similar to claims 4-8, respectively, therefore are rejected under the same rationale.

Regarding claim 18, McCloghrie teaches the network system of claim 2, wherein each of the first and second networks is a network of one of a plurality of organizations (col. 3, lines 41-60).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In response to Applicant's argument that McCloghrie fails to teach "a unit for providing a quality of guaranteed path having a required policy based on the policy held by the policy holding unit with regard to a communication performed by another network via the first network or a communication performed between another network and a host in the first network," the PTO respectfully submits that this is taught by McCloghrie-Haddock combination as cited above. Specifically, McCloghrie teaches a system that manages traffic flows in accordance with corresponding policies such as high reliability, fast delivery, accurate delivery etc. (col. 3, lines 5-7). In this case, the traffic flow management is interpreted as the quality of guaranteed unit as claimed.

As presented above, the McCloghrie-Haddock combination also teaches other features of the claimed invention.

Haddock teaches a policy sending unit for sending the policy held by it to the policy server of said another network, a unit for receiving a policy sent by the policy sending unit in the policy server of said another network (figure 1B), and a resource allocation arbitration control unit for calculating a guaranteed quality of a communication path from an end point in said first network to a border on a second network side of a connection path connected to said second

network adjoining said first network based on the policy held by said policy holding unit and the policy thus received (col. 9, lines 43-57), wherein said resource allocation arbitration control unit updates said policy held by said policy holding unit based on the quality thus calculated, and wherein said policy sending unit sends the policy thus updated to the policy server in said second network (figure 10, line 51 to col. 11, line 4).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANB

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